

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**  
July 29, 2009

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No. 08-50985  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

KENYATTA ONEIL,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:05-CR-329-ALL

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Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Kenyatta Oneil in an appeal of the denial of his motion to reduce his sentence under 18 U.S.C. § 3582 has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Oneil has filed a response. Our independent review of the record, counsel’s brief, and Oneil’s response discloses no nonfrivolous issue for appeal. Accordingly, counsel’s motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein,

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Oneil's motion for appointment of new counsel is DENIED.